



CITY OF HAYWARD AGENDA REPORT

Planning Commission

Meeting Date 04/27/00

Agenda Item 2

TO: Planning Commission

FROM: Richard E. Patenaude, Associate Planner

SUBJECT: Variance No. 00-180-03 – Carlos & Rosamaria Faz (Applicant/Owner): Request to Exceed the Maximum Lot Coverage of 40 Percent (to 41.7 Percent) and to Reduce the Required Side Yard From 7.5 Feet to 6 Feet - The Project Location is 30452 Midlothian Way at Hoylake Street (Fairway Park) in the Single-Family Residential (RS) District

RECOMMENDATION:

Staff recommends that the Planning Commission:

- 1) find that the proposed project is Categorically Exempt from the California Environmental Quality Act (CEQA) guidelines, pursuant to Section 15305, *Minor Alterations to Land Use Limitations*;
- 2) deny the variance to exceed the maximum lot coverage; and
- 3) approve the variance to reduce the required side yard, subject to the attached findings and the conditions of approval.

BACKGROUND:

Setting

The subject property is located on the southeasterly corner of Midlothian Way and Hoylake Street. The rectangular property measures 85 feet by 65 feet, with a 75-foot wide street frontage on Midlothian Way, and a 45-foot-wide street frontage on Hoylake Street. The subject property is the smallest corner lot in the immediate vicinity. It comprises 5,439 square feet, whereas the RS District requires 5,914 square feet for corner lots.

The parcel is developed with a one-story single-family residence. The existing structure does not meet the minimum setbacks required, in most instances, by the RS District.

	<i>Existing Setback</i>	<i>Required Setback</i>
<i>Front Yard</i>	15'/10'(Garage)	20'
<i>Side Street Yard</i>	15'	10'
<i>Side Yard</i>	6'	7.5'
<i>Rear Yard</i>	17.5'/20'	20'/10'(Additions)

Project Description

The project includes a first-floor addition to the rear of the residence to accommodate a new kitchen and family room, and an extended dining room. The project also includes a second-story addition to accommodate two bedrooms and a bath.

The second-story addition meets all applicable setback and height requirements. However, the first-floor addition extends an existing non-conforming side yard and increases the lot coverage beyond the maximum permitted. The existing residence is located 6 feet from the side property line and the applicant wishes to continue this building line for the addition. A family-room window faces the adjacent property; however, the properties are separated by a standard "good neighbor" fence. The closest room on the adjacent property contains no wall openings facing the subject property. Staff believes that findings can be made to support this variance. The standard lots in Fairway Park are 55 or 60 feet wide, requiring a side yard of 5.5 or 6 feet. The residence immediately adjacent to the subject property, on Midlothian Way, was permitted, in 1963, to build a one-story addition within 5 feet of the common lot line. The request to maintain a setback of 6 feet complies with existing neighborhood standards and development patterns.

The applicant also requests to increase the lot coverage, from the 40 percent allowed, to 41.7 percent. This represents 94 square feet of floor area over the 2,176 allowed. Staff does not believe that findings can be made to support this variance and that there are alternative methods of achieving comparable results for the addition. It is possible to add additional area to the second-floor addition and reduce the ground coverage of the first-floor addition. The granting of this variance request would set a precedent in that all substandard corner lots in Fairway Park could then be granted a variance to allow greater coverage of the land. The City of Hayward has determined that 40 percent lot coverage provides the proper development intensity for single-family neighborhoods, and increasing the allowable coverage on a potentially large number of lots could change the character of the neighborhood. It would be more appropriate for the Planning Commission to adjust the Zoning Ordinance if it feels that the corner lots need special attention.

ENVIRONMENTAL REVIEW:

The proposed project is Categorically Exempt from the California Environmental Quality Act (CEQA) guidelines, pursuant to Section 15305, *Minor Alterations to Land Use Limitations*.

PUBLIC NOTICE:

On March 2, 2000, a Referral Notice was mailed to every property owner and occupant within 300 feet of the subject site, as noted on the latest assessor's records. Notice was also provided to the Fairway Park Homeowners Association and the Fairway Park Neighborhood Plan Task Force members. The Referral Notice provided an opportunity for persons to comment on the project. One telephone inquiry was received.

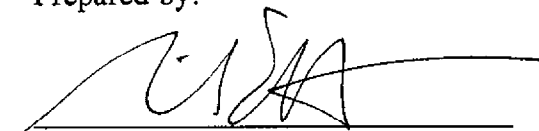
On April 17, 2000, a Notice of Public Hearing for the Planning Commission meeting was mailed to every property owner and occupant within 300 feet of the subject site, as noted on the latest assessor's records. Notice was also provided to the Fairway Park Homeowners Association and the Fairway Park Neighborhood Plan Task Force members.

CONCLUSION:

Staff recommends approval of the variance request to reduce the side yard setback because it is in keeping with the existing neighborhood standards and development patterns. The existing lot is substandard in size (compared to current requirements of 5,914 square feet), and the residence was originally located on the lot with setbacks that bear little resemblance to today's standards; strict adherence to the Zoning Ordinance would make appropriate additions impractical.

On the other hand, staff recommends denial of the variance request to increase the lot coverage. In general, corner lots in Fairway Park are substandard in size. Allowing a variance in this instance opens the possibility of variances for a large number of lots in this neighborhood, potentially changing the neighborhood character.

Prepared by:



Richard E. Patenaude
Associate Planner

Recommended by:



Dyana Anderly, AICP
Planning Manager

Attachments:

- A. Area Map
- B. Findings
- C. Conditions
Plans

1551 B 412

TWIN BRIDGES

Brookview Way

Ashbrook Way

PD

Tract 7015

2/99

ST ANNES PLACE

HOYLAK

STREET

BRAE BURN

SUNNYDALE CT

MIDLOTHIAN WAY

ST ANDREWS

CARROLL

FAIRWAY PARK

AM-78 G

BIDWELL ELEMENTA
SCHOOL

RS

HAYWARD UNIFIED

SCHOOL DI

RAPID

TRANSIT

DISTRICT

I

AM-475

S.P.R.R.

AVENUE

ROUSSEAU

25' Spur Track Reserve
10' SSE

1551 B 408

1551

NEV

ATTACHMENT A

VARIANCE APPLICATION NO. 00-180-03
CARLOS & ROSAMARIA FAZ (APPLICANT/OWNER)
FINDINGS
April 27, 2000

Findings for Denial – Request to exceed the maximum lot coverage of 40 percent (to 41.7 percent)

- A. The proposed project is Categorically Exempt from the California Environmental Quality Act (CEQA) guidelines, pursuant to Section 15305, *Minor Alterations to Land Use Limitations*.
- B. There are no special circumstances applicable to the property regarding this request in that the characteristics of the subject property are similar to other corner lots in Fairway Park.
- C. Strict application of the Zoning Ordinance would not deprive such property of privileges enjoyed by other property in the vicinity under the same zoning classification in that all properties are expected to adhere to the maximum lot coverage requirement. There are alternative means of providing additions to the residence, which would comply with the lot coverage standard.
- D. The variance would constitute a grant of a special privilege inconsistent with the limitations upon other properties in the vicinity and the Single-Family Residential zone in which the property is situated. Should there be a need to address lot coverage in respect to under-sized corner lots, it would be appropriate to consider a zoning ordinance amendment to address the issue for all such lots.
- E. The variance would compromise the purpose of the zone district and detrimental impact would result in that the required and desired open space would be reduced. Increasing the lot coverage on a potentially-large number of parcels would change the character of the neighborhood.

Findings for Approval – Request to reduce the required side yard from 7.5 feet to 6 feet

- A. The proposed project is Categorically Exempt from the California Environmental Quality Act (CEQA) guidelines, pursuant to Section 15305, *Minor Alterations to Land Use Limitations*.
- B. There are special circumstances applicable to the property in that the subject property was originally developed with a 6-foot side yard setback and the lot is substandard in size and by virtue of the original setbacks.
- C. Strict application of the Zoning Ordinance deprives such property of privileges enjoyed by other property in the vicinity under the same zoning classification in that the adjacent properties are developed with as little as 5-foot side yard setbacks.
- D. The variance does not constitute a grant of a special privilege inconsistent with the limitations upon other properties in the vicinity and the Single Family Residential zone in which the property is situated in that adjacent properties may be developed with 5- to 6-foot side yard setbacks.
- E. The variance will not compromise the purpose or the zone district and no detrimental impact will result.

VARIANCE APPLICATION NO. 00-180-03
CARLOS & ROSAMARIA FAZ (APPLICANT/OWNER)
CONDITIONS OF APPROVAL
April 27, 2000

1. The proposed improvements shall be constructed and installed according to the plans labeled Exhibit "A", except as required to be modified by these conditions of approval. This approval is void one year after the effective date of approval. Any modifications to the approved plans or conditions shall require prior review and approval from the Planning Director.
2. Prior to final inspection of the building addition, all improvements and conditions of approval shall be completed to the satisfaction of the Planning Director.
3. The owner/applicant shall obtain all necessary building permits from the Hayward Building Division.
4. The colors and materials of the addition shall be consistent with those of the original residence.